

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

VITO A. PELINO,

Plaintiff,

v.

ROBERT GILMORE, MICHAEL ZAKEN,
and STEPHEN DURCO,

Defendants.

)
) 2:18cv1232

) Electronic Mail

)
) Senior Judge David Stewart Cercone
) Magistrate Judge Maureen P. Kelly

)
) Re: ECF No. 41
)
)

ORDER OF COURT

AND NOW, this 24 day of July, 2019, after Plaintiff Vito Pelino ("Plaintiff") filed a complaint in the above-captioned matter, and after a Motion to Dismiss was filed by Defendants, ECF No. 41, and after a Report and Recommendation was filed by United States Magistrate Judge Maureen P. Kelly, ECF No. 56, giving the parties until July 10, 2019, to file written objections thereto, and no objections having been filed, and upon independent review of the record, and upon consideration of the Magistrate Judge's Report and Recommendation, which is ADOPTED as the opinion of this Court,

IT IS HEREBY ORDERED that the Motion to Dismiss, ECF No. 41, is DENIED.

IT IS FURTHER ORDERED that, pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, if any party wishes to appeal from this Order a notice of appeal, as provided in Fed. R. App. P. 3, must be filed with the Clerk of Court, United States District Court, at 700 Grant Street, Room 3110, Pittsburgh, PA 15219, within thirty (30) days.



David Stewart Cercone
Senior United States District Judge

cc: Honorable Maureen P. Kelly
United States Magistrate Judge

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(Via First Class Mail)

Scott A. Bradley, Esquire
(Via CM/ECF Electronic Mail)